

**AMENDMENT TO THE AGREEMENT
BETWEEN
THE DEPARTMENT OF DEFENSE OF THE UNITED STATES OF AMERICA
AND
THE MINISTRY OF ECONOMY AND EUROPEAN INTEGRATION OF
UKRAINE ISSUES
ON
THE PROVISION OF ASSISTANCE TO UKRAINE IN ESTABLISHING AN
EXPORT CONTROL SYSTEM IN ORDER TO PREVENT THE PROLIFERATION
FROM UKRAINE OF WEAPONS OF MASS DESTRUCTION**

Recognizing that the Department of Defense of the United States of America has determined to perform activities under the Agreement between the Department of Defense of the United States of America and the Ministry of Economy and European Integration of Ukraine Issues on the Provision of Assistance to Ukraine in Establishing an Export Control System in Order to Prevent the Proliferation from Ukraine of Weapons of Mass Destruction, done October 22, 2001 (hereinafter referred to as "the Agreement"), in addition to the activities performed by the Department of State of the United States of America, to which the Department of Defense of the United States of America previously delegated responsibility for implementing the Agreement,

Acknowledging that the Department of Defense of the United States of America requires certain amendments to the Agreement in connection with its performance of activities,

The Department of Defense of the United States of America and the Ministry of Economy and European Integration of Ukraine Issues (hereinafter referred to as the Ukrainian Party) hereby agree pursuant to Article IX of the Agreement as follows:

1. To amend Article IV of the Agreement by numbering the current provision as paragraph 1, and adding the following new paragraphs 2 and 3:
 - "2. The Ukrainian Party or its authorized Implementing Agents shall cooperate with the Department of Defense of the United States of America annually to develop a plan describing the underlying assumptions, requirements and responsibilities for each project being undertaken by the Department of Defense of the United States of America pursuant to this Agreement, and the Ukrainian Party or its authorized implementing agents shall certify each such plan as accurate."
 - "3. The Ukrainian Party or its authorized Implementing Agents shall acquire title to and provide all real property and secure all land use permits and environmental licenses necessary for the Department of Defense of the United States of America to provide assistance."

2. To amend Article V of the Agreement by numbering the current provision as paragraph 1, renumbering current sub-provisions "1" through "8" as "A" through "H" and adding the following new paragraph 2:

"2. The total cost to the Department of Defense of the United States of America of all materials, equipment, training and services provided by the Department of Defense of the United States of America pursuant to this Agreement and associated expenses, including costs related to the transportation of materials, equipment and personnel to and from Ukraine, shall not exceed fifteen million U.S. dollars, excluding the cost of materials, equipment, training and services provided by other agencies or departments to which the Department of Defense of the United States of America has delegated responsibility for implementation of provisions of this Agreement pursuant to Article II, paragraph 1 of the Agreement."

3. To amend Article VII of the Agreement by numbering the current provision as paragraph 1, and adding the following new paragraph 2:

"2. In addition to the Audit and Examination rights pursuant to Article X of the CTR Umbrella Agreement, representatives of the Department of Defense of the United States of America shall have the right to monitor the implementation of the terms of contracts and the progress of work performed under this Agreement at facilities on the territory of Ukraine."

This Amendment shall enter into force upon signature by the Parties and shall remain in force for the duration of the Agreement, being its integral part.

Done in Kyiv, this 15th day of March 2004, and in Washington, this 26th day of March 2004, in duplicate, each in the English and Ukrainian languages, both texts being equally authentic.

FOR THE DEPARTMENT OF DEFENSE
OF THE UNITED STATES OF AMERICA



FOR THE MINISTRY OF ECONOMY
AND EUROPEAN INTEGRATION
OF UKRAINE ISSUES

